

GOURMET HEAVEN

Cuisine Culture: History Flavors China Cooking

BY ROBERT S. ELEGANT
Times Staff Writer

HONG KONG—During a recent week, a party of 16 sat down to a meal in Hong Kong's Blue Heaven restaurant. The specialty was the Manchu Imperial feast, consisting of hummingbirds' tongues, peacocks served in full plumage, elephant's trunk and hump of camel.

The feast took two days and the obligatory 87 dishes were consumed in four sittings. The tab for the food alone was \$4,400, plus \$600 for liquor, wines and tips—a grand total of \$5,000, or \$312.50 per person.

The guests who indulged in such exotic dining had the added pleasure of knowing that just such a delectable, though probably streamlined, version of this traditional banquet is served up by Premier Chou En-lai in Peking when he entertains distinguished foreign visitors.

Needless to say, only a relatively few of the Chinese masses on the mainland or abroad ever hope to partake of such fare as the Manchu Imperial.

Primary Preoccupation

The Manchu feast is, indeed, the culmination of the art of cooking—and of eating—that has been China's primary cultural preoccupation since time immemorial.

No other people, including the French, devote so much time, energy and ingenuity to the preparation and consumption of food. No other nation boasts as wide a variety, not only of individual dishes but of divergent styles of cuisines. And no other nation displays such total extremes.

The soldiers of the People's Liberation Army are justly famous for their ability to subsist and fight on a handful of rice a day, supplemented by a few wisps of grass or, infrequently, a sliver of meat.

But the banquets Premier Chou offers to such visitors as President Nixon and Henry A. Kissinger, as well as heads of state from other nations, are the extreme that illustrates the divergence in Chinese eating habits.

Indoor, Outdoor Sport

All Chinese from peasants to generals in People's China, from factory workers to multimillionaires abroad, devote an amazing amount of interest and time to food. Eating, not sex, is China's favorite indoor—and outdoor—sport.

Talking about food is second in interest only to eating it. Most Chinese tell the tale of the origin of the Manchu Imperial feast with mixed pride and sheepishness.

Tsu Hsi, empress dowager of the Manchu Dynasty who ruled a declining China for almost 40 years ending in 1908, was a demanding gourmet.

One morning, the empress sent word to the kitchen that unless the chief cook produced something utterly new and captivating, he would be decapitated.

Stimulated by fear of losing his head, the chief cook combined the main dishes Chinese emperors had dined on for millennia, plus a few inventions, to produce the Manchu Imperial.

After dining almost nonstop for three days (rather than the modern, effete two) Tsu Hsi pronounced herself satisfied. The cook kept his head and was rewarded with the praise of

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FALSE REPORTS—Former Air Force Maj. Hal M. Knight tells the Senate armed services unit of fake bombing reports. (AP Wirephoto)

Government Admits Secret B-52 Raids in Cambodia in '69

BY WILLIAM L. CLAIBORNE
The Washington Post

WASHINGTON—The Nixon Administration admitted for the first time Monday that it conducted secret B-52 bombing raids in Cambodia as early as 1969, and then falsified records to make it appear that the attacks occurred in South Vietnam.

The bombing raids were "fully authorized" by senior military and civilian authorities in Washington at a time when the U.S. government officially recognized the neutrality of Cambodia under the regime of Prince Norodom Sihanouk, Administration officials said.

The decision probably was approved by the National Security Council, a Pentagon spokesman said.

Because of the sensitive diplomatic situation at the time, "special security precautions" were taken to avoid public disclosure of the bombing raids, Secretary of Defense James R. Schlesinger acknowledged.

The security precautions, Administration officials conceded, included the burning of Cambodian bombing mission reports and the substitution of phony "cover flight" records to account for the activities of B-52 squadrons stationed in Guam.

Pentagon Admissions

The Pentagon's admissions of covert strategic bombing missions over Cambodia surfaced Monday as a 37-year-old former Air Force operations officer testified before a congressional committee.

Former Maj. Hal M. Knight told the Senate Armed Services Committee that in March and April, 1970—before the U.S. government incursion into Cambodia—he helped direct B-52 missions to Cambodian targets on about two dozen occasions.

Knight, who now is a graduate student in Memphis, Tenn., spelled out an elaborate system of falsely reporting those missions in which instructions were secretly flown to his radar tracking base and then were burned early in the morning after each raid.

Knight said he was told to fake the bombing reports for "political reasons," adding that one superior official

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Nixon Improves, May Confer on Phase 4 Today

Final Form of Economic
Program Expected to Be
Announced This Week

BY DON IRWIN
Times Staff Writer

WASHINGTON—Doctors reported an overall improvement in President Nixon's condition Monday and he is expected to take part in final discussions of the Phase 4 program of economic controls today.

With his temperature near normal and his lungs showing only "minimal congestion," Mr. Nixon and Treasury Secretary George P. Shultz are expected to confer today in the suite at Bethesda Naval Hospital where he has been recovering since Thursday from viral pneumonia.

According to a Treasury source, Shultz is seeking presidential decisions on options that remain open in the Administration's still-unfolding new plan to restrain inflation.

White House Press Secretary Ronald Ziegler told a news briefing at the hospital that he thought the program would be ready for announcement this week.

Indicating the President's health

Stock prices rebound; Dow jumps 11.39. Part 3, Page 10.

will not affect the timing, he told a questioner the White House had "never contemplated an announcement of Phase 4 by way of a television speech."

Both the form and content of the program will depend on the outcome of talks at the hospital among Mr. Nixon and his economic advisers, Ziegler said. He said he expects the program to be announced "all in one package . . . not piecemeal."

Ziegler, who talked to newsmen after a medical briefing, agreed with the doctors that "the President is feeling better and he is looking better." Mr. Nixon, he predicted, would be able to spend more time now with his advisers, with his staff "and reviewing papers in a more extensive way."

Ziegler reaffirmed that there had been no change in plans for a week of state visits to Washington, starting July 24, by the shah of Iran, Please Turn to Page 10, Col. 5

Japan Seeks U.S. Export Assurances

No Guarantees Given on
Scrap Iron, Farm Products

BY SAM JAMESON
Times Staff Writer

TOKYO—Japan Monday called for assurances from Washington that the United States would supply this country with needed amounts of American farm goods and scrap iron. But the Americans came forth with no such guarantees.

U.S. reaction was packaged politely and wrapped with declarations that U.S. export controls on soybeans and a host of other products were only temporary.

But J. Phil Campbell, undersecretary of agriculture, refused to go beyond a statement that Japan would receive treatment as favorable as any nation in U.S. trade programs of the future.

The exchange came during the first day of a two-day cabinet-level conference on trade and economic affairs.

Even Secretary of State William P. Rogers devoted two pages of a 19-page opening address to the problem of soybeans. He said only, "We hope (the restrictions of soybean exports)

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President Secretly Recorded Phone and Office Discussions



SURPRISE WITNESS—Alexander Butterfield, former White House assistant, testifies before Senate Watergate committee. He said Mr. Nixon's phone calls and discussions had been taped since 1971. (AP Wirephoto)

Disputed Talks With Dean May Be on Tapes

BY ROBERT L. JACKSON
Times Staff Writer

WASHINGTON—A surprise witness told the Senate Watergate committee Monday that virtually all of President Nixon's telephone calls and office discussions since 1971 have been tape-recorded, presumably including Mr. Nixon's controversial meetings with John W. Dean III.

The testimony of former White House aide Alexander P. Butterfield immediately spurred a move within the committee to obtain the tapes to resolve the Watergate scandal's crucial question—did Mr. Nixon know about a coverup of the bugging case?

At the White House, J. Fred Buzhardt, special counsel to the President, sent the committee a letter confirming the existence of secret presidential tapes.

Taping Still Going On

Buzhardt said the recording system was still in use. But neither he nor Gerald L. Warren, the deputy White House press secretary, indicated whether the Senate would be given access to the tapes.

"A more detailed statement concerning these procedures will be furnished to the committee shortly," Buzhardt said. He added that the taping practice "is similar to that employed by the last (Lyndon B. Johnson) administration" but had been "discontinued from 1969 until the spring of 1971."

Former figures of the Johnson administration who could be reached for comment Monday said that Mr. Johnson had maintained a capability for recording conversations but that he rarely used it.

Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Watergate committee, scheduled a closed meeting of the panel for Wednesday morning to consider requesting specific tapes.

Cox Also May Seek Tapes

Informed sources said Watergate special prosecutor Archibald Cox also would request copies of relevant tapes. Cox would not comment.

Butterfield, now administrator of the Federal Aviation Administration, testified that Mr. Nixon had a recording device on his desk telephone in the Oval Office and a separate device that picked up all conversations in the room.

He said the President's secondary office, in the Executive Office Building, was similarly equipped with a telephone recorder and room listening device.

In addition, the telephone used by Mr. Nixon in the Lincoln sitting room in the second-floor residential quarters of the White House and his business telephone at his retreat at Camp David, Md., were similarly equipped, Butterfield said.

A listening device is installed in the Cabinet Room, but Cabinet members have not been aware of it, Butterfield said.

All these recording devices, he said, were implanted for "historical purposes, to record the President's

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Kalmbach Links Ehrlichman and Dean to Fund for Burglars

Says He Raised Money for Defendants Because He Did Not
Think Top Nixon Aides Would Order Unethical Activities

BY JACK NELSON
Times Staff Writer

WASHINGTON — Herbert W. Kalmbach, an attorney who has handled President Nixon's personal legal matters, testified Monday that on orders of John D. Ehrlichman and John W. Dean III he raised \$220,000 for legal fees and family support for the seven Watergate defendants.

Because the orders came from the "No. 2 and No. 3 men on the White House staff," Kalmbach said, it had been "absolutely incomprehensible" to him that his actions could be regarded as improper or unethical.

But Kalmbach told the Senate Watergate committee that the secrecy and "James Bond scenario" of the fund-raising and payments so concerned him that he once had sought assurances from Ehrlichman, then the President's domestic affairs adviser, that nothing improper was involved.

He said Ehrlichman had given him the assurances and told him that Dean, counsel to the President at the time, had been authorized to ask him to raise the funds.

Kalmbach, 51, of Newport Beach, Calif., said Dean first had contacted him about a special fund-raising project on June 28, 1972, 11 days after the burglary-bugging of Democratic offices at the Watergate.



TESTIMONY — Herbert W. Kalmbach before committee. (AP Wirephoto)

He said Dean had telephoned him and mentioned that he had "a very important assignment" for him, "a matter of extreme importance," and asked if he could come to Washington.

Kalmbach said that after arriving in Washington he had suggested they meet at his hotel, the Statler Hilton, but Dean suggested meeting

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DEAN GAVE FIRST HINT OF RECORDINGS

Senate Staff Stumbled Onto Tape Bombshell

BY RUDY ABRAMSON
Times Staff Writer

WASHINGTON—Senate investigators stumbled unsuspectingly off the beaten Watergate path and onto the startling disclosure that the White House apparently has tape recordings of conversations between President Nixon and John W. Dean III.

The incendiary piece of information, dropped in a two-hour secret meeting last Friday, had apparently gone undiscovered by both the federal grand jury investigating the Watergate scandal and FBI agents.

It came to light when Donald G. Sanders, assistant minority counsel for the Senate investigating committee, asked Alexander P. Butterfield whether he thought there was validity to Dean's suspicion that one of his private talks with the President had been recorded.

That brought the disclosure that

the White House, since 1971, has been recording office talks and telephone conversations for posterity, with the knowledge of only a handful of those directly involved.

The critical nature of the evidence ensured there will be a determined effort by both Republicans and Democrats on the committee to get access to the tapes of conversations in which Dean said he and the President discussed the Watergate coverup.

THE WEATHER

National Weather Service forecast: Night and morning low clouds with hazy afternoon sunshine today and Wednesday. Highs 77 to 81. High Monday, 80; low, 61.

Complete weather information and smog report in Part 1, Page 22.

The first specific request is expected to come after an executive session of the committee early Wednesday.

During his testimony before the committee June 25, Dean told of an evening meeting with the President April 15, three weeks, he said, after he had told the President the complete story of the coverup.

"The President, almost from the outset, began asking me a number of leading questions," Dean said, "which made me think that the conversation was being taped and that a record was being made to protect himself."

"Although I became aware of this because of the nature of the conversation, I decided that I did not know it for a fact and that I had to believe that the President would not tape such a conversation."

The reference to the possible bugging

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Government Alerts Housewives to Brace for Higher Food Costs

BY RONALD L. SOBLE
Times Staff Writer

Administration sources Monday began preparing American housewives to steel themselves for another dent in their pocketbooks.

This was because President Nixon's Phase 4 economic controls—expected to be announced this week—will likely produce yet another jump in food prices.

The sources told The Times that general increases in food prices could continue for two months or longer—until Phase 4 mechanisms begin slowing the trend.

Administration officials are seeking to avoid a consumer food price revolt by educating the public on the relationship of Phase 4 to the current price freeze.

Here, according to government sources, is why consumers should hold their tempers when they visit their local supermarkets next week:

Under Phase 4, unlike the situation during the present price freeze, food processors, wholesalers and retailers will be allowed to pass on to some extent increases in food prices that have taken place at the farm level. Farm prices have been exempt from the Administration's economic controls.

The "difficult balance," said one source, is to inhibit "pass-through" food price boosts and at the same time attempt to steer the economy toward a less controlled marketplace without refueling inflation.

A similar "bulge period" occurred shortly after Nov. 13, 1971, when the Administration ended the 90-day Phase 1 wage-price freeze and the nation entered the more flexible Phase 2 period of controls.

The government sources said that

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DISAGREES ON DETAILS

Kalmbach Confirms
Testimony of OthersBY RICHARD T. COOPER
and MICHELE McLELLAN
Times Staff Writers

WASHINGTON — Herbert W. Kalmbach, the lawyer who has done work on President Nixon's personal legal affairs, disagreed on details but generally confirmed the testimony of other participants Monday about a super-secret drive to raise funds to help the Watergate criminal defendants.

In an opening statement and preliminary questioning before the Senate select committee, Kalmbach said he had been assured the fund raising was entirely proper and at first had considered it part of a "moral obligation."

Gradually, however, he had grown uneasy with the "James Bond scenario" used to conceal what was being done and refused to participate further, Kalmbach testified.

At Odds With Dean

In this portrayal of himself as a fundamentally innocent, if too-trusting dupe of high White House officials, Kalmbach was at odds with former White House counselor John W. Dean III, who earlier had told the Senate committee:

"... I felt quite confident that Mr. Kalmbach understood (that the money was to buy the Watergate defendants' silence), given the whole procedure that was being set up... that this was not for humanitarian purposes, we might say."

Similarly, Kalmbach's testimony tended to place on Dean and others the burden of having initiated the clandestine fund raising and the system of using pay telephones and a middleman to hide the operation.

In its major features, however, Kalmbach's account Monday agreed with the previous testimony of Dean, former Secretary of Commerce Maurice H. Stans, former Nixon campaign treasurer Hugh W. Sloan Jr. and others about how the operation was launched and carried forward.

Tells of First Meeting

Confirming Dean's testimony, Kalmbach said he had been recruited to raise money for the original seven Watergate defendants, their families and their lawyers at a meeting with the then-White House counselor in Washington on June 28, 1972.

"We would like to have you raise money for the legal defense of these defendants and the support of their families," Kalmbach quoted Dean as saying.

"He made a very strong point that absolute secrecy would be required" and that public exposure of the fund raising might be "misinterpreted" and jeopardize the President's reelection, Kalmbach said.

In his testimony, Dean had told the senators: "I told him everything I knew about the case at that time, including my concern that it might involve the President himself, but I did not know that for a fact."

Dean had said he told Kalmbach that then-White House Chief of Staff H. R. Haldeman, Domestic Affairs Adviser John D. Ehrlichman and former Atty. Gen. John N. Mitchell all thought it important for Kalmbach to undertake the mission.

In his own testimony about the meeting, however, Kalmbach said he did not recall any mention of Haldeman, Ehrlichman or Mitchell. Dean "used the editorial we," Kalmbach said Monday.

He also contradicted an assertion by Dean that it was Kalmbach who requested that Anthony T. Ulasevich, former New York policeman and agent for the White House "plumbers," be used as a middleman between Kalmbach and the Watergate defendants.

Kalmbach said it was Dean who specified Ulasevich.

The most specific discrepancies

EX-CABINET MEMBERS SURPRISED

Many Politicians Incredulous

BY LOU CANNON
The Washington Post

WASHINGTON—Many political figures reacted with incredulity Monday to testimony that President Nixon had tape-recorded conversations and telephone calls without consent.

Former Cabinet members said they did not know their conversations were being recorded.

"No kidding," said former Atty. Gen. Richard G. Kleindienst in a voice filled with astonishment.

Kleindienst, reached at a hotel in London where he is on a business trip, said he had not been aware of the practice and would "have no further comment on it... because of my personal relationship with the President."

"I'm literally astonished, I'm incredulous," said Robert H. Finch, longtime Nixon confidant and a former White House counselor and health, education and welfare secretary. "I remember being told by several sources that Lyndon Johnson had an arrangement like that but it had been discontinued. I assumed



LIGHTER MOMENT—Herbert W. Kalmbach in witness chair.

(U Wirephoto)

between the accounts of Kalmbach and Dean concerned their initial meeting June 28.

Dean had testified that he first met with Kalmbach in the coffee shop of the Mayflower Hotel, where the California attorney was staying, and then moved to Kalmbach's room for greater privacy.

Mixup on Name of Hotel

Under questioning by the committee, Dean had admitted he was apparently mistaken about the name of the hotel—that it had been the Mayflower coffee shop of the Statler Hilton.

Kalmbach, however, said that while he did stay at the Statler Hilton on that trip to Washington, his meeting with Dean had been in nearby Lafayette Park. In response to a question, he said they might have visited the hotel coffee shop first.

Kalmbach described in detail how Dean had strolled with him through the small park, making "broad gestures" and urging Kalmbach to do likewise in an effort to appear casual. Dean feared being spied upon, Kalmbach told the committee.

Dean had testified that a later meeting with Kalmbach was in Lafayette Park, which is directly across the street from the White House.

Immediately after his first meeting with Dean, Kalmbach testified, he contacted Nixon campaign Finance Chairman Stans. Kalmbach said he asked Stans for all the cash he had available, telling him it was for an important White House mission that Stans could not be told about.

"You'll have to trust me," Kalmbach said he told Stans.

In his own appearance before the Senate committee, Stans had told an identical story: He said he had hurried to the Statler Hilton in response to an urgent call from Kalmbach.

"I am here on a special mission, on a White House project, and I need all the cash I can get... and I cannot tell you. You will have to trust me," Stans quoted Kalmbach as saying. Stans said he gave Kalmbach \$75,000, much of it left over from the 1968 Nixon campaign.

Kalmbach also corroborated the testimony of Stans and Sloan about how \$350,000 in cash was transferred from the Nixon campaign committee to Haldeman's White House safe.

That money too was eventually funneled to the Watergate defendants, witnesses have said.

Senate Staffers
Stumbled Onto
Tape Bombshell

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ging went past with little notice until it was mentioned to Butterfield in the secret meeting Friday.

Given the importance of the statement, and the committee's desire to keep it from leaking, Butterfield, the Administration's new director of the Federal Aviation Administration, was suddenly slipped before the committee Monday. He had been scheduled to leave later this week on a trip to the Soviet Union.

His explanation of how the White House is wired to trace the President's movements and to activate recorders in his offices brought the highest drama to the hearings since Dean made his highly publicized accusations against Mr. Nixon.

The new twist came from an unlikely star witness, put before the television cameras with such haste that he had no lawyer with him.

Butterfield, 46, is a former Air Force colonel, fighter pilot and member of the Air Force's Skyblazers aerobatic team. He retired from the service in 1969.

He moved into the White House in a staff job of considerable sensitivity and almost complete anonymity.

Military Efficiency

His military efficiency made him right at home. Reporting directly to H. R. Haldeman and John D. Ehrlichman, he kept tabs on the President's daily schedule, acted as liaison with the Secret Service, kept tabs on FBI background investigations of presidential appointees and served as secretary to the Cabinet.

He said that, besides the President, only he, Haldeman, Lawrence Higby (a Haldeman aide) and a few key figures in the Secret Service knew of the White House recording system. Indeed, the tapes have been held so tightly that none of them apparently has yet been transcribed.

Butterfield has been a friend of Haldeman since the two met at the University of Southern California. He is married to the former Charlotte Mary Maguire, of Coronado, Calif., a town the Butterfields still call home.

The retired colonel was rewarded for his good work earlier this year with a nomination as director of the FAA, but his Senate confirmation hit a snag because the FAA cannot be headed by an active or inactive member of the armed services.

No Exception Granted

Congress was not willing to write into law an exception for him, as it did in the case of Gen. William McKee, who was named FAA director in the Johnson administration.

The upshot was that Butterfield had to resign from the Air Force retired list, a move that cost him \$10,000 a year in retirement benefits.

As he came into the spotlight and disappeared again Monday, he made certain no one thought he was seeking to pull a string to unravel the investigation.

He said that, while he wanted to be open and candid about what he knew, he hoped he was not treading into the President's own explanation of Watergate, whenever that comes.

Kalmbach Returns to
Witness Stand Today

From a Times Staff Writer

WASHINGTON — Herbert W. Kalmbach is scheduled to return to the witness stand before the Senate Watergate committee today.

The sessions will be carried live by KNXT (Channel 2) beginning at 7 a.m. and will be rebroadcast by KCET (Channel 28) beginning at 8 p.m.

Over Tapings

The spokesman said Goldwater was not surprised "for a very strange reason... One conversation he had in the Oval Office was reported so precisely by (columnist) Jack Anderson that he felt there had to be a recording device in operation at the time; there was not a comma out of place."

Sen. George S. McGovern (D-S.D.), the 1972 Democratic presidential candidate, called the practice "a violation on privacy." Sen. Robert Dole (R-Kan.), the Republican national chairman during the 1972 campaign, said that he also had not known of the recordings, but he joked, "I'm glad I always nodded when talking to the President."

On the House side, Speaker Carl Albert (D-Okla.) said "that if this kind of thing did go on it was an outrage, almost beyond belief."

The Senate Republican minority leader, Hugh Scott of Pennsylvania, said he did not know about the recordings "but always assumed, as far as phone calls are concerned, that there must be some method of keeping a record."



LISTENING DEVICE SCENE—President Nixon confers with aide H. R. Haldeman in Oval Office of White House earlier this year. Alexander P.

Butterfield, another former Nixon aide, told the Senate Watergate committee Monday that listening devices were installed in the President's office.

(U Wirephoto)

NIXON RECORDED CONVERSATIONS

Continued from First Page

business." The room devices operate only when Mr. Nixon is present, Butterfield said.

He engaged in the following exchange with Fred D. Thompson, the committee's minority counsel:

Question. So far as the Oval Office and the EOB office is concerned, would it be your testimony that the device would pick up any and all conversations no matter where the conversations took place in the room and no matter how soft the conversations might have been?

Answer. Yes, sir, it is my...

Q. Was it a little more difficult to pick up in the Cabinet room?

A. Yes, sir, it was a great deal more difficult to pick up in the Cabinet room.

Butterfield, formerly an aide to H. R. Haldeman, the resigned White House chief of staff, said he believed most present and former White House aides, including Dean and John D. Ehrlichman, were not aware of the taping system.

Electronic Locator Boards

In explaining the mechanics of it, Butterfield said the President's location within the White House is recorded on electronic locator boards throughout the mansion. When he is in the Oval Office, his EOB study or the Cabinet room, that room's listening device is triggered, he said.

Those devices then are activated by voice, he said. The President has no ready means of turning them off, Butterfield testified.

He said the President's four telephones are permanently equipped with recorders, which are never switched off.

Butterfield's testimony on these points indicates that all the President's 35 meetings and phone conversations this year with Dean would have been recorded. Dean has alleged that some of these discussions showed Mr. Nixon was aware of coverup efforts, including payments to the Watergate defendants and an offer of executive clemency to one of them, E. Howard Hunt Jr.

Dean told the committee on June 25 that he believed Mr. Nixon had recorded a meeting with him on April 15 in the President's Executive Office Building study.

He said the President had asked him "a number of leading questions" then said he had only been joking in a previous discussion when, according to Dean, Mr. Nixon had remarked that it would be no problem to raise \$1 million for the bugging case defendants.

Toward the end of this conversation, Dean testified, Mr. Nixon "went behind his chair to the corner of the office and in a barely audible tone said to me he was probably foolish to have discussed Hunt's clemency..."

Butterfield, whose duties included White House security, said the devices had been installed by the Secret Service "on the President's authority by way of Mr. Haldeman and Mr. (Lawrence) Higby (executive assistant to Haldeman)."

A spokesman for the Secret Service, asked whether such recording devices had been installed for other Presidents, replied:

"If it has been done, I don't know about it. The Secret Service did not do it. The answer to your question is no."

Justice Department officials, when asked if the practice was legal, cited a federal statute that allows conversations to be recorded if one party to the discussion is aware of it. In this case, the President would be that party, they said.

The Federal Communications Commission, however, tries to en-

U.S., California Laws
on Phone Tapes Differ

California law provides that taping of a telephone call between private individuals requires the consent of both parties, but it appears headed for a clash with federal law.

The federal Safe Streets and Crime Control Act requires the consent of only one party. Whether that preempts the state law may be decided in a case now before the California Supreme Court.



WITNESS—Alexander P. Butterfield being escorted by Capitol policemen to Senate hearings on Watergate affair.

(U Wirephoto)

force a regulation requiring persons who record phone conversations to include a beeper tone every 15 seconds—a means of alerting the other party to the fact the discussion is being taped.

A spokesman for the telephone company serving Washington, D.C., the Chesapeake & Potomac—said a person who violated this FCC regulation ran the risk of having his phone service disconnected. He said the White House probably would be an exception, however.

Questioning of Butterfield by Sen. Herman E. Talmadge (D-Ga.) elicited the fact that Mr. Nixon had recorded phone conversations and office visits with foreign leaders, governors, senators and congressmen—all without their knowledge.

Butterfield was asked also about the permanent recording device on the President's phone at Camp David, inasmuch as the facility sometimes is used by visiting foreign leaders.

"The device was removed prior to occupancy by chiefs of state, heads of government and other foreign dignitaries," Butterfield said.

Butterfield testified that his disclosure was being made voluntarily and at his own discretion, even though it might prove "embarrassing" to the President because of his

private talks with important persons.

But he said he believes such recordings "are precisely the substance on which the President plans to present his defense" in the Watergate case.

When asked where these tapes are kept, Butterfield replied:

"I cannot say where. I am quite sure in the Executive Office Building in some closets or cupboards or files which are maintained by the technical security division of the U.S. Secret Service."

Committee counsel Samuel Dash asked:

"If one were therefore to reconstruct the conversations at any particular date, what would be the best way to reconstruct those conversations, Mr. Butterfield, in the President's Oval Office?"

"Well, in the obvious manner, Mr. Dash—to obtain the tape and play it," he replied.

Committee sources said they first learned of the taping practice last Friday in an interview with Butterfield, who volunteered the information in response to a question about whether Dean had been monitored in the President's office.

Butterfield testified he knew of no recording devices at the Western White House or at the President's home at Key Biscayne, Fla.

He agreed with Sen. Joseph M. Montoya (D-N.M.) that the lack of these devices at San Clemente, Calif., would be inconsistent with the President's desire to record his daily business, because official business is transacted there.

He said Key Biscayne, however, was generally a place where the President relaxed and would not need recording devices.

Concerning practices of past administrations, Joseph A. Califano, a Washington lawyer and former aide to the late President Lyndon B. Johnson, said that Mr. Johnson had "a capability" for recording conversations but that he used it infrequently.

Califano said he recalled that a phone conversation between Mr. Johnson and a U.S. ambassador in the Mideast during the six-day war of 1967 had been recorded.

"But it was nothing like you walked into a room and everything was recorded," Califano said.

Rep. James R. Jones (D-Okla.), another deputy at the Johnson White House, said a phone outside the Oval Office had been equipped with a recording device, as had been the President's phone at his Texas ranch.

He said he personally had used the device on "a half dozen occasions" with permission of the caller to make sure he would report the call accurately.

David Powers, a confidant of the late President John F. Kennedy, said of the Kennedy years: "I never heard of anything like that. I feel if President Kennedy had them (listening devices) I would have known."

Mitchell, Stans Ask Dismissal
in Vesco Case Due to Publicity

From the Washington Post

NEW YORK—Attorneys for former Cabinet members John N. Mitchell and Maurice H. Stans moved Monday to dismiss indictments against them here on grounds of massive prejudicial pretrial publicity.

Both men's lawyers contended that they never would be able to get a fair trial.

Said Stans' attorneys:

"Massive, pervasive and prejudicial publicity, much of which has been stimulated by the government itself, has, in a manner unprecedented in history, so prejudiced virtually every member of the populace concerning the facts of this case and the events surrounding it that a fair trial cannot now, and almost assuredly can never be conducted."

Mitchell's New York attorney, Peter Fleming Jr., argued that, "giving the choice of no trial or an unfair trial, our system of justice must mean there will be no trial."

Mitchell and Stans were indicted here May 10 on charges of obstruc-

tion of justice and perjury. Indicted with them were former New Jersey Republican leader Harry L. Sears and Robert L. Vesco, the financier who now is a fugitive somewhere outside the United States.

The indictment alleges that Vesco secretly paid \$200,000 to the reelection campaign of the President in return for help in trying to quash an investigation by the Securities and Exchange Commission of four companies he controlled.

Fleming said that Mitchell "has been accused, although not yet indicted, of burglary, illegal electronic surveillance, obstruction of justice and other crimes in the Watergate matter."

"His guilt or innocence in the Vesco case," said Fleming, "cannot legally be determined by a jury which has been exposed to the Watergate allegations."

"Certain overriding facts are apparent," wrote Fleming. "No incident in memory, and perhaps in national history, has received such pervasive, continuous and prejudicial publicity as Watergate."